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Attorneys for United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORGE FRANCO-IBARRA.

Defendant.

Case No. 2:14-cr-00173-JCM-PAL

GOVERNMENT'S MOTION TO CONTINUE RESENTENCING

The United States of America, by and through Steven W. Myhre, Acting
United States Attorney, and Richard Anthony Lopez, Assistant United States
Attorney, respectfully moves this Honorable Court for an Order vacating the
sentencing of Defendant Jorge Franco-Ibarra currently scheduled for 10:00 a.m.
on July 7, 2017, and setting that resentencing for July 14, 2017, or another date
convenient for the Court.

Good cause exists to continue the resentencing for the following reasons:

22 1. The Defendant remains in the custody of the Bureau of Prisons and
23 would be unable to attend the resentencing on the currently scheduled date.

1 2. On June 16, 2017, the Government submitted a request to the Bureau
2 of Prisons for the production of the Defendant in this District so that the Court may
3 resentence the Defendant in accordance with the Ninth Circuit's memorandum
4 disposition in the Defendant's appeal.

5 3. On June 30, 2017, the U.S. Marshals informed the Government that
6 the Defendant is scheduled to arrive in Las Vegas, Nevada on July 13.

7 4. On June 30, 2017, the Government asked counsel for the Defendant
8 whether the parties could stipulate to continue the resentencing to July 14 or a time
9 thereafter convenient for the Court. On July 5, 2017, defense counsel informed the
10 Government that she is unable to contact the Defendant while he is in the custody
11 of the Bureau of Prisons and therefore cannot obtain his consent to a continuance.

12 5. Because the Defendant will not be present in the District on the
13 currently scheduled date for resentencing, a brief continuance of the resentencing
14 will promote the efficient use of judicial and attorney resources.

15 | DATED this 6th day of July, 2017.

Respectfully submitted,
STEVEN W. MYHRE
Acting United States Attorney

/s/ Richard Anthony Lopez
RICHARD ANTHONY LOPEZ
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 JORGE FRANCO-IBARRA,

8 Defendant.

Case No. 2:14-cr-00173-JCM-PAL

9 **ORDER**

10 Based on the pending Motion of the Government, and good cause appearing
11 therefor,

12 IT IS HEREBY ORDERED that the resentencing scheduled for 10:00 a.m. on
13 July 7, 2017, is VACATED and continued to July 17, 2017, at 10:00 a.m. in
14 Las Vegas Courtroom 6A before Judge James C. Mahan.

15 DATED July 6, 2017.

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19 JAMES C. MAHAN
20 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I, Richard Anthony Lopez, hereby certify that I am an employee of the United
3 States Attorney's Office for the District of Nevada and that on this day I served an
4 electronic copy of the above GOVERNMENT'S MOTION TO CONTINUE
5 RESENTENCING on Counsel of Record via Electronic Case Filing (ECF).

6 Dated: July 6, 2017

7 */s/ Richard Anthony Lopez*
8 RICHARD ANTHONY LOPEZ
9 Assistant United States Attorney

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